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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 MATT STRONG,

12 Plaintiff,

13 vs.

14 THOMAS KENNY, TRUSTEE OF THE
15 FRANCIS M. O'REILLY FAMILY TRUST
INITIALLY CREATED FEBRUARY 1,
1995, THOMAS KENNY

16 Defendants.
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CASE NO. 16cv1894-LAB (BGS)

**ORDER RECOGNIZING CASE AS
MOOT**

18 Plaintiff Matt Strong brought claims under the Americans with Disabilities Act (ADA)
19 seeking injunctive relief, as well as supplemental state claims. Injunctive relief is the only
20 form of relief available under Title III of the ADA. *Wander v. Kaus*, 304 F.3d 856, 858 (9th
21 Cir. 2002). Plaintiff's counsel on January 3 filed a notice that Strong has died.

22 Because claims for injunctive relief have become moot, the ADA claim is likewise
23 moot. See *Center for Bio. Diversity v. Lohn*, 511 F.3d 960, 963 (9th Cir. 2007). Similarly,
24 there is no basis for the Court's exercise of jurisdiction over the supplemental claims. See
25 *Rodriguez v. Ralphs Grocery Co.*, 323 Fed. Appx. 617, at *1 (9th Cir. 2009) (citing *Herman*
26 *Family Revocable Tr. v. Teddy Bear*, 254 F.3d 802, 805–07 (9th Cir. 2001)) ("[I]f the federal
27 claim is dismissed for lack of subject matter jurisdiction, a district court has no discretion to
28 retain supplemental claims for adjudication, and must dismiss the state law claims without

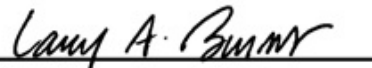
1 prejudice”). The Court has no power to adjudicate the state law claims, even if the
2 parties were to agree to it. See *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de*
3 *Guinee*, 456 U.S. 694, 702 (1982).

4 Plaintiff’s counsel’s notice says says the parties intend to file a joint motion to dismiss
5 the case. The Court intends to dismiss the case without prejudice but without leave to
6 amend, and the dismissal will not include an adjudication of the state law claims. See
7 *Rodriguez*, 323 Fed. Appx. at 617. The dismissal will prevent the ADA claims from being
8 refiled (because they are permanently moot), and will prevent the state law claims from being
9 refiled in federal court — though not necessarily in state court.

10 If either party disagrees with this proposal, they should promptly file an objection.
11 Otherwise, they may file a joint motion to dismiss, consistent with this order, by **January 11,**
12 **2018**. If they do neither, the Court will dismiss the case as proposed in this order. Discovery
13 is suspended.

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15 **IT IS SO ORDERED.**

16 DATED: January 4, 2018

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18 **HONORABLE LARRY ALAN BURNS**
19 United States District Judge
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